



1-27-05

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Docket No.: HO-P02403US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jason Hodge et al.

Application No.: 10/070,526

Confirmation No.: 7208

Filed: March 6, 2002

Art Unit: 1761

For: FOOD PRODUCT AND PROCESS FOR
MANUFACTURING SAME

Examiner: Not Yet Assigned

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR 1.97, Applicant(s) hereby make of record the following additional documents. A PTO Form SB/08 and a full copy of each of the documents required under 37 CFR 1.98(a)(2) accompany this statement with the exception of the U.S. Patents.

Applicant(s) have become aware of the following documents, cited in an International Search Report, during the prosecution of International Application No. EP 00960230, which corresponds to the above referenced application, and in accordance with 37 CFR 1.97(c) and (e)(1) or (b)(3), hereby submit(s) these documents for the Examiner's consideration. These documents are cited on the enclosed PTO Form SB/08, and a copy of the International Search Report and of each document required under 37 CFR 1.98(a)(2) cited thereon are enclosed as well.

This statement is not to be interpreted as a representation that the cited documents are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any document herein be construed *per se* as a representation that such document is prior art. Moreover, Applicant(s) understand(s) the Examiner will make an independent evaluation of the cited documents.

The undersigned hereby certifies that each item contained in this Supplemental Information Disclosure Statement was cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

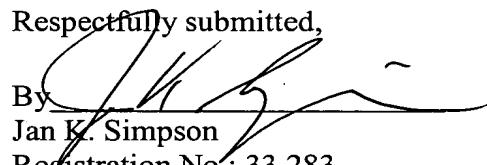
The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. HO-P02403US0. A duplicate copy of this paper is enclosed.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02403US0 from which the undersigned is authorized to draw.

Dated: January 26, 2005

Respectfully submitted,

By


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Registration No.: 33,283

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PTO/SB/21 (09-04)
 Approved for use through 07/31/2006. OMB 0651-0031
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TRANSMITTAL FORM

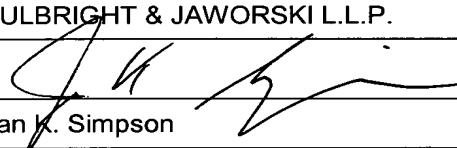
(to be used for all correspondence after initial filing)

		Application Number	10/070,526-Conf. #7208
		Filing Date	March 6, 2002
		First Named Inventor	Jason Hodge
		Art Unit	1761
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission		Attorney Docket Number	HO-P02403US0

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	FULBRIGHT & JAWORSKI L.L.P.		
Signature			
Printed name	Jan K. Simpson		
Date	January 26, 2005	Reg. No.	33,283



Application No. (if known): 10/070,526

Attorney Docket No.: HO-P02403US0

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PTO/SB/08A (10-01)

Approved for use through 10/31/2002, OMB 0651-0031

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1 <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/070,526
				Filing Date	March 6, 2002
				First Named Inventor	Jason Hodge
				Art Unit	1761
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	HO-P02403US0

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
AA		US-5,922,692	07-13-1999	Marino	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
BA		WO-98/44932	10-15-1998	Sunvold et al		
BB		EP-0 862 863	10-17-2001	Cavadini et al		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

¹Applicant's unique citation designation number (optional). ²See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
CA		M.D. Willard, et al.; <i>Effects of Dietary Supplementation of Fructo-Oligosaccharides on Small Intestinal Bacterial Overgrowth in Dogs</i> ; American Journal of Veterinary Research, Vol. 55, No. 5, May 1994.	<input checked="" type="checkbox"/> English <input type="checkbox"/> German <input type="checkbox"/> French <input type="checkbox"/> Spanish <input type="checkbox"/> Japanese <input type="checkbox"/> Chinese <input type="checkbox"/> Korean <input type="checkbox"/> Italian <input type="checkbox"/> Dutch <input type="checkbox"/> Portuguese <input type="checkbox"/> Arabic <input type="checkbox"/> Russian <input type="checkbox"/> Turkish <input type="checkbox"/> Polish <input type="checkbox"/> Czech <input type="checkbox"/> Hungarian <input type="checkbox"/> Bulgarian <input type="checkbox"/> Macedonian <input type="checkbox"/> Serbian <input type="checkbox"/> Montenegrin <input type="checkbox"/> Greek <input type="checkbox"/> Latvian <input type="checkbox"/> Estonian <input type="checkbox"/> Lithuanian <input type="checkbox"/> Lithuanian

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Examiner Signature	Date Considered
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